

From: Mark Martin
To: Microsoft ATR
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Subject: Judgments

Regards:

- 1) I am a software professional that programs in a variety of areas.
- 2) The fluid nature of our environment, particularly in the last few years (the internet in particular) is a diverse area to maintain, and requires knowledge of many areas.
- 3) There needs to be some sort of standards so this medium can be of benefit to all, so for most needs, I use the non-profit/impartial settings for this such as World Wide Web Consortium (www.w3.org) for compliance purposes.
- 4) At some level in order to satisfy our clients, the ability to be portable and satisfy our clients becomes, more specific regarding the operating environment they use vs. what we use to serve them.

Case in point (as a developer, I consider this a perfect example of predatory practices):

- 1) Internet Explorer 6.0, Microsoft dropped/ restricted it's use of software plugins, this changed a big area of the internet programming arena.

How does this impact, what is predatory about it?

Well there are several areas to consider.

- 1) The User base, from a development standpoint most software professionals have accepted the fact that the user prefers Windows as the desktop, Mr. Gates has undoubtedly driven this, however many competitors, particularly in the free software arena have come about, it is up to us to educate the general public as we can about the alternatives.
But by and large, the public is driving that end of the market.
- 2) Since the public drives the market, what happens when Microsoft changes the game from a development standpoint? From a business perspective, it forces

Microsoft's lack of support onto the support desks the of companies such as ourselves to resolve issues that were a direct result of Microsoft's broad power to totally change the market place. From an economics standpoint it can be argued that this creates jobs and generates spending, however, for the smaller businesses, this may not be an option.

3) This move along with the 'NET' initiative in the current release of Windows XP, further proves this predatory initiative further, from a programming perspective it (Microsoft) is again trying to garner market share through their vast influence by further negating those initiatives that are currently in place to try and establish a neutral ground for programming and delivery. How so? Well, any previously neutral options become, again driven by the public and the desktop, further forcing the programming community into a position of

- a) designing new methods to neutralize the change or...
- b) submitting for financial reasons to Microsoft's drive over the market.

I can name numerous other instances of this practice through the last 15 years, I am sure you are aware of many of them, so I will not bother enlightening you as to these areas, unless, you inquire of me further.

In general, the public (in our affluent society) is duped by the the 'Wolf in Sheep's Clothing'; the only way to change this is to educate them. But I am increasingly concerned, that this amount of technology garnered in one area, is risky to the general nature of our world (not just the U.S.). It seems strange that in some arenas, there are virtually little or no virus attacks, but in Microsoft, it is daily news, not to mention our own military utilizes this technology (at least to some degree). I am not particularly a negative person, but the long term implications of this practice to continually drive market share and proliferate the use of a medium that is not only bug prone but has a high propensity to propagate rogue computer programs (as in viruses), is a scary thought indeed, since a lot of our government is driven by this very software.

What would I do?

Well, I do think Microsoft has a lot to be credited for, no I do not think they should be put out of business. They are doing what our capitalist society is supposed to do, go after the dollar. But there are ethical considerations that need to be addressed with the amount of power this company possesses, and no amount of publicists can address them through recommending humanitarian donations, and foundations for Microsoft to make them look better in the public's eyes. The fact of the matter is, is most of the public is oblivious to long term implications, nor do they care, until it effects them. Having said that, I will proceed...

1) This power needs to be dispersed, i.e. it is so powerful, that if allowed to persist, at the very least, it needs a body to govern it, not unlike our government does, we know this as the 'checks and balances' (the Judiciary Branch, The House and Senate, and the President). This method is the one that governs our capitalistic society, so it sould work and be fair for Microsoft.

2) If you are not going to divide it up, so all this technology does not reside in one faceless giant's realm, at least develop a governing body consisting of consumer/technical expertise that has an unbiased and educated hand in this direction our society and technology has taken us. These people have to be unencumbered by lobbyists. There are many such organizations trying to do this now (though all may not be in our country). This is a basis for argument, but is is a compromise between break up or allowing these sensitive areas to be continually changed with the main consideration being market share.

3) The alternative, if the above is not acceptable is to continue on with the original remedies proposed by breaking up Microsoft, as originally proposed. If the Department of Justice fails to provide a remedy to this, the potential to subvert our society exists and will only get easier if the power of this entity is not dispersed.

It is my hope that this will be read with an open mind and with consideration, not just another faceless citizen. Until the last DOJ remedy, I have given much faith to my government to provide the correct course of action, however, I have become increasingly concerned with the methods of arriving at these judgements. I understand that some remedies will not meet with my own personal approval, and can live with that, but I feel a compelling need to appeal to the good of all, not just a base of satisfied internet users. There is more to this than meets the eye, it is not meant to be 'evil' as some refer to it, but there does not appear to be a checks and balances system for this technology and I do not believe that it is a purely monopolistic approach. I equate the proliferation of this broad range of technology with the invention of the atomic bomb.

With great freedom, comes great responsibility, and that responsibility also compels us to look further than our pocketbooks or predatory marketing practices.

We have a responsibility make our country aware of the power of this, and first we need to become responsible enough as a society to be able to use this technology both morally and safely. It has already showed it's (the technology) ability to be a very positive thing for humanity, but the negative uses are just as numerous.

In summation, I do think something more appropriate than the current remedies is in order.

I feel that too much power (not just market power) resides in this company's (Microsoft) ability to drive the market. This power needsto be dispersed.